

**REPORT – PLANNING COMMISSION MEETING  
December 8, 2005**

**Project Name and Number:** Stanculeanu Variance (PLN2006-00030)

**Applicant:** Bogdan Stanculeanu

**Proposal:** A third party appeal to an approved Variance for a 1 foot 6 inch front yard encroachment.

**Recommended Action:** Deny Appeal

**Location:** 38551 Jones Way

**Assessor Parcel Number(s):** 507-0550-004-00

**Area:** 10,150 sq. ft.

**Owner(s):** Bogdan Stanculeanu

**Environmental Review:** This project is exempt from the California Environmental Quality Act (CEQA) per section 15301(e), Minor alterations to Existing Facilities

**Existing General Plan:** Low-Density Residential 4-6 dwelling units/acre

**Existing Zoning:** R-1-8(H-I), Single-Family Residential (Hillside Combining) District

**Existing Land Use:** Single-Family Residence

**Public Hearing Notice:** Public hearing notification is applicable. A total of 44 notices were mailed to owners and occupants of property within 300 feet of the site on the following streets: Jones Way, Orchard Drive, Oliver Way and Goodrich Way. The notices to owners and occupants were mailed on November 23, 2005. A Public Hearing Notice was delivered to The Argus on November 21, 2005 to be published on November 24, 2005.

**Executive Summary:** This is a third party appeal by a neighboring property owner for a Variance that approved a 1 foot 6 inch front-yard encroachment. The encroachment is for an extension of an existing garage.

**Background and Previous Actions:** On October 21, 2005 the Zoning Administrator approved a Variance (PLN2006-00030) to allow the applicant to extend the existing garage by 1 foot and 6 inches. All property owners within a 300-foot radius were notified of the Variance. The city received only one neighbor's opposition to the granting of the Variance.

**Project Description:** The applicant is requesting to extend the existing garage by three feet. The garage is setback 26 feet 6 inches from the property line. Therefore, the applicant is requesting to encroach 1 foot and 6 inches into the required 25-foot front yard setback. The applicant is currently parking four vehicles in the driveway. The applicant states that the current size of the garage does not accommodate vehicle parking easily. The request for the three-foot extension would allow two vehicles to be parked in the garage comfortably.

**Project Analysis:**

The applicant proposes to construct a three-foot extension to the front of the subject residence garage. The existing garage is only 17 feet 9 inches in depth and the extension would allow the applicant to park two vehicles in the garage and correct an existing non-conforming situation where the minimum depth for a garage is 19 feet. Currently, the applicant is parking four vehicles in the driveway.

The subject property was built in 1951 prior to the city's incorporation. Currently there are no sidewalk improvements on the street. The street right-of-way is 50 feet and the existing street pavement is 30 feet wide with ten feet of additional right-of-way on both sides of the street. The existing garage is 36 feet and 6 inches from the edge of the street pavement. Therefore, the current setback of the garage is 26 feet and 6 inches. The three-foot extension would give the applicant a twenty-three feet and six inches setback instead of the required 25 feet. The immediate neighbor's garage to the left of the subject property is already encroaching into the front yard setback by approximately 1 foot and 6 inches feet.

**General Plan Conformance:** The existing General Plan Land Use designation for the subject property is Low-Density Residential (4 to 6 dwellings units per acre). The subject property is in conformance with the General Plan.

**Zoning Regulations:** The subject property is currently zoned R-1-8(H-I). As stated in Article 6 of the Zoning Ordinance in Section 8-2605(c), the front yard setback for an R-1-8 zoning district shall be 25 feet. However, a variance may be sought to have a lesser setback. The granting authority needs to make certain findings to allow the lesser setback. According to Section 8-22009(g)(1) of the Zoning Ordinance, the standard parking space for one parking space is 9 feet by 19 feet. Therefore, for a two-car garage the parking dimensions need to be 18 feet by 19 feet.

**Appeal:** The appellant has stated concerns and made claims on (1) the practice of neighbors parking their vehicles at curb sites and creating unsafe conditions on the street, (2) how will the applicant deal with the moving and parking of four vehicles, (3) the financial cost to his property value caused by vehicles parked at curb sides, (4) how will the city enforce the garage to be used for parking two vehicles, (5) the existing garage is substandard because of storage cabinets located in the garage, (6) the neighbor to the right maintains a 25-foot front yard setback, and (7) the fire hydrant does not limit parking for the applicant but rather for the neighbor to the right.

Staff believes that the appellant's claims are mostly general in nature or untrue. Based on measurements taken on the neighbor's property to the right, it is clear that the dwelling does encroach into the required 25-foot setback by approximately 1 foot and 6 inches. Moreover, the applicant's existing garage does not adhere to code requirements. There is a bedroom behind the garage and there are no building permit records on file for the property. Furthermore, the fire hydrant is closely situated to the applicant's property to prohibit curb side parking. Finally, staff strongly feels that granting the Variance would be beneficial to the surrounding neighborhood by providing covered parking for two vehicles which are currently be parked on the drive-way or on the street. This would alleviate some of the cars being parked on the street, as the appellant claims to be harmful or unsafe. Additionally, the applicant has provided a response letter to the appellant.

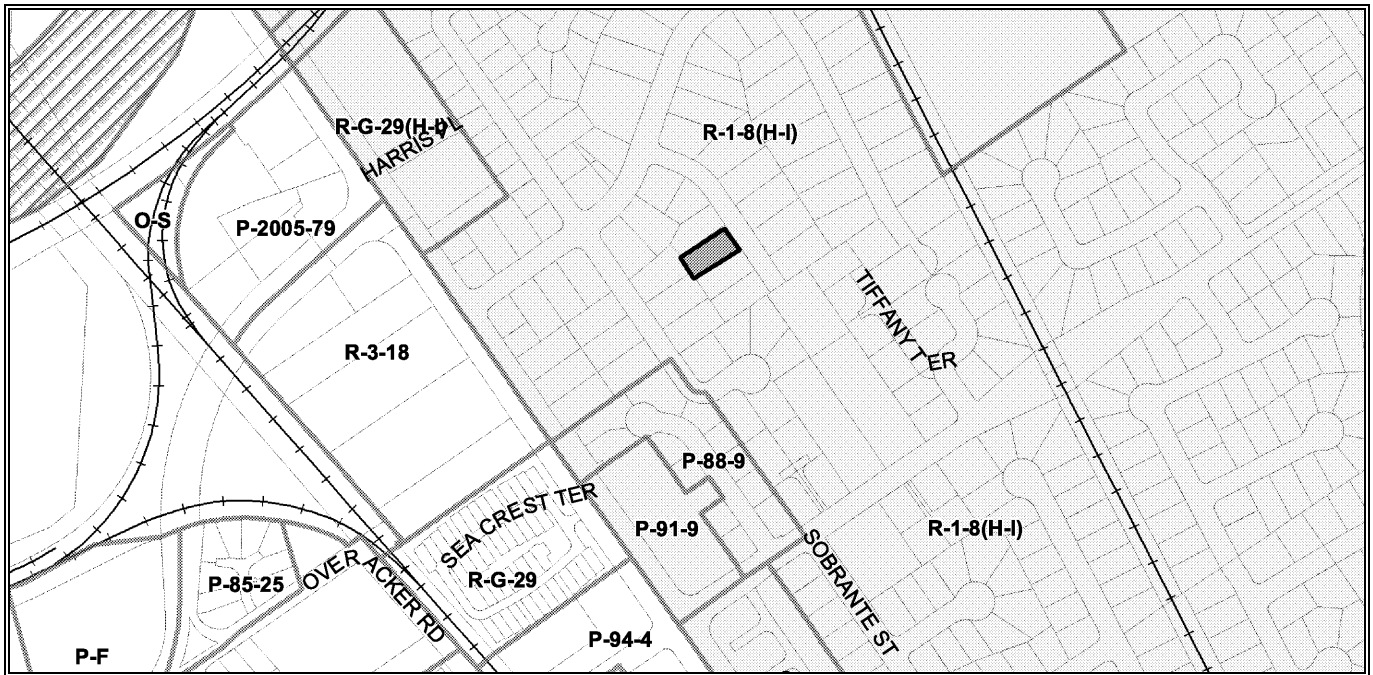
**Environmental Analysis:** The project qualifies as a categorical exemption under Section 15301(e) of the California Environmental Quality Act Guidelines. This project includes minor alterations to existing facilities.

<b>Enclosures:</b>	Exhibit "A"	Site Plan and Elevations
	Informational 1	Variance approval letter
	Informational 2	Appeal letter
	Informational 3	Applicant response letter

#### **Recommended Actions:**

1. Hold Public Hearing.
2. Deny Appeal.

**Existing Zoning**  
Shaded Area represents the Project Site



**Existing General Plan**

